



NEWS & VIEWS

March 2004



Separate Surgery Room Requirement

Effective January 1, 2004, Title 16, Division 20, Article 1, Section 2030(g) requires ALL FIXED VETERINARY FACILITIES to have a **separate and distinct surgery room**. Prior to January 1, 2004, the law did not require veterinary premises registered prior to 1981 to have a separate surgery room. This law now requires all fixed veterinary facilities to have a separate and distinct surgery room.

The separate surgery room is required for all aseptic surgical

procedures. The intent of the requirement is to provide for an aseptic environment during surgery.

Here are a few questions we have received about the new requirement:

Is a door to the surgery room required, and if so, what type of door?

Yes. A door is required. Either a solid door with hinges or a barn-style door. Folding and pocket doors are not acceptable.

Can there be two doors to the surgery room?

Continued on page 3

Veterinary Medical Board
Registered Veterinary Technician Committee
1420 Howe Avenue, Suite 6
Sacramento, CA 95825-3228
Toll Free: 866-229-0170
Phone: 916-263-2610
Fax: 916-263-2621
Website: <http://www.vmb.ca.gov>

Board Members

Ronald Biron, Public Member, President
Michael Kerfoot, DVM, Vice President
Dawn Arnall, Public Member
Terri Becker, DVM
Sondra Browning, JD, Public Member
Gregory Ferraro, DVM
R. Troy Roach, DVM

Committee Members

Nancy Ehrlich, RVT, Chair
Alex Henderson, RVT, Vice Chair
Kathleen Cicotte, RVT
Richard Johnson, DVM
Linda Zachritz, JD, Public Member

Susan M. Geranen, Executive Officer

New Prescription Requirement

SB 175 (Chapter 250, Statutes of 2003), authored by Senator Sheila Kuehl and signed by Governor Davis in September 2003 went into effect on January 1, 2004.

The intent of Business and Professions Code, Section 4170, is to clarify existing law to ensure that the Pharmacy Board is responsible for regulating all human and animal drugs. Existing Pharmacy law defined a dangerous drug but excluded properly labeled veterinary drugs from the definition. This law clarifies that the Pharmacy Board has jurisdiction over all dangerous drugs, regardless of whether such

drugs are for human or animal use.

Because this law authorizes the Veterinary Medical Board, in conjunction with the Pharmacy Board, to enforce the existing Pharmacy law regarding prescribing and dispensing of dangerous drugs or devices and, in doing so, makes sure that all Internet drug sales are carefully regulated. Furthermore, the new requirements will ensure that the Pharmacy Board has a role in regulating veterinary pharmaceuticals.

Continued on page 8

Meet the Board Members

Inside This Issue

Separate Surgery Room Requirement (p.1)

New Prescription Requirement (p.1)

Meet the Board Members (p.2)

Musculoskeletal Manipulation (MSM) (p.3)

Unlicensed Activity (p.3)

Premises Permit Renewal Reminder (p.2)

Disciplinary Actions (p.4)

RVT Computerized Testing (p.6)

Put It In Writing (p.7)
Address Change
Name Change
Letter of Good Standing

Thank You Workshop Participants (p.8)

The Veterinary Medical Board is comprised of seven members—three represent the public at large and four are veterinarians. The Senate and Assembly each appoint one public member, and the Governor appoints the licensed members as well as one public member.

The Assembly Speaker appointed Sondra Browning, JD, to the board in December 2002.

She received a teaching credential from the University of California, Davis and taught high school English from 1964 to 1977. She then went to the University of the Pacific McGeorge School of Law where she received her degree and has been in private practice as an attorney since 1977. Ms. Browning has served as board member of numerous civic and non-profit organizations. She and her husband live in El Dorado, California. Ms. Browning fills the position of a public member whose term expires on June 1, 2006.



Governor Davis appointed Terri A. Becker, DVM, to the board in September 2003. Dr. Becker, of Cedarpines Park, has worked at Rimforest Animal Hospital, a small animal practice, as a veterinarian for 14 years. She has been the owner of

Mountain Equine Veterinary Services, all horse practice, for 13 years. Dr. Becker is a member of the American Veterinary Medical Association, the American

Association of Equine Practitioners and the California Veterinary Medical Association. She earned a bachelor of science degree from California State Polytechnic University, Pomona and a doctor of veterinary medicine from the University of California, Davis. Dr. Becker's term expires June 1, 2006.

Governor Davis reappointed Roger T. Roach, DVM, to the board in October. Dr. Roach, of Bakersfield, has served on the board since June 2001, and was reappointed to a four-year term which expires on June 1, 2007.

Premises Permit Renewal Reminder

Premises permit renewal notices will be sent out in April and are due by May 15, 2004. The renewal fee is \$100 and checks should be made payable to the Veterinary Medical Board. A delinquent charge of \$25 will be assessed after June 14, 2004. **PLEASE NOTE:** If there are ANY changes (managing licensee, new address, name change, etc.) please contact the Board to request an application. Do not make any changes on the renewal form. Also, if you do not receive your renewal notice in the mail, please contact the Board at (916) 263-2610.

Thanks! Well Done!

Nancy Collins, DVM, and Ellen O'Connor, completed their terms as Board members. The board acknowledges their commitment to the Board's mission and greatly appreciates their leadership, dedication, and many contributions as Board and Committee Members.

Musculoskeletal Manipulation (MSM)

Did You Know . . . ?

By Kay Hossner, DVM

MSM is the application of force through the hands or any mechanical device to enhance physical performance, or to prevent, cure or relieve impaired or altered function of the musculoskeletal system of animals (similar to chiropractic in humans). MSM when performed on animals constitutes the practice of veterinary medicine.

Only a veterinarian or a California licensed doctor of chiropractic ("chiropractor") working under the direct supervision of a veterinarian may perform MSM. Direct supervision means that the supervising veterinarian is on the premises of the animal hospital setting where MSM is being performed, or when in a range setting is in the general vicinity of the treatment area.

The supervising veterinarian is responsible for performing the initial examination in determining that the patient is in need of medical treatment, that MSM will not be harmful to the patient, for supervising the

treatments, and for maintaining a medical record that includes a signed authorization from the owner and documentation of the MSM treatments. The failure of the veterinarian to meet these provisions is unprofessional conduct.

A chiropractor that fails to meet these provisions is deemed to be engaged in the unlicensed practice of veterinary medicine.

For additional information or questions regarding MSM you can review California Code of Regulations, Section 2038 in your Veterinary Medicine Practice Act, or call the Board at (916) 263-2610.

If you have knowledge of the improper performance of MSM a complaint may be submitted to the Board. Complaint forms may be obtained online at www.vmb.ca.gov, (click on Enforcement), or by calling (916) 263-2610.

Continued from page 1, Separate Surgery Room Requirement

No. The concern with two doors is the air transfer from under the second door that may carry bacteria. A second door also creates the temptation for traffic through the surgery room.

Should the walls of the surgery room extend from the floor to ceiling?

Yes. The walls of the room must extend from the wall to the ceiling due to air transfer.

Can radiograph equipment be in the room?

Yes. Radiograph equipment can be in the room only if it is to be used for surgery. General radiographic equipment must be housed outside the surgery room.

Should you have any questions regarding this new requirement, checkout the website or call the office.



Unlicensed Practice

Should be Reported to the Board!

If you have evidence that a person is practicing without a license, registration or permit, please notify the Board in writing. The Board will investigate the allegations and, if sufficient evidence is found, will issue a citation and fine to an individual who engages in unlicensed activity. The matter also may be referred to the local District Attorney for criminal prosecution.

Disciplinary Actions & Reinstatements

Pursuant to Business and Professions Code Section 4883, the Veterinary Medical Board (VMB) has the authority to discipline licensed veterinarians, registered veterinary technicians, and veterinary hospitals. Disciplinary penalties are determined based on a number of factors, including, but not limited to, severity and recency of the offense, rehabilitation evidence, current ability to practice safely, mitigating factors, and past disciplinary history. In addition, the VMB has established Disciplinary Guidelines specific to each of the grounds for discipline in Section 4883. The Guidelines are published in its Practice Act.

Detailed disciplinary documents are available to the public and can be obtained via written request to the VMB at 1420 Howe Avenue, Suite 6, Sacramento CA 95825-3228.

Registered Veterinary Technicians

Jean-Michael Leuregans, RVT #4846, San Diego, California.

Revocation stayed/Five years probation effective November 9, 2002.

Basis for discipline: In a stipulated agreement, Mr. Leuregans stipulated that cause for discipline existed based on unauthorized practice of veterinary medicine by performing surgery.

Mandatory Terms and Conditions During Five Years Probation include:

1. Actual suspension of individual license for 30 days
2. Standard terms and conditions of probation.

In addition, Mr. Leuregans was ordered to pay the Board its partial cost of investigation and/or hearing cost in the amount of \$2,400.

Brian Dennis Peck, Benicia, California. Denial of application for certification as a veterinary technician stayed/Five years probation effective November 15, 2002. **Basis for denial:** Crimes substantially related to the qualifications, functions or duties of a registered veterinary technician licensee.

Mandatory Terms and Conditions During Five Years Probation include:

1. Participation in treatment/rehabilitation program for chemical dependence
2. Submit biological fluid samples
3. Abstain from controlled substances
4. Other standard terms and conditions of probation.

Belinda Lee Snow, Sacramento, California. Denial of application for certification as a veterinary technician by default effective March 4, 2003. **Basis for denial:** False statement in an application and dishonest act.

Veterinarians

Naim Bernaba, DVM #7887, Monterey Park, California.

Revocation stayed/Five years probation effective May 17, 2003. **Basis**

for discipline: In a stipulated agreement, Dr. Bernaba stipulated that cause for discipline existed based on incomplete medical records, falsified medical records, negligence and unprofessional conduct.

Mandatory Terms and Conditions During Five Years of Probation include:

1. Actual suspension for 30 days
2. Additional continuing education
3. Limitation on practice

4. Written examination

5. Other standard terms and conditions of probation.

Dr. Bernaba was ordered to pay the Board its cost of investigation and enforcement in the amount of \$10,102 and a \$1,000 fine. In addition, Dr. Bernaba was ordered to make restitution to any injured party in the amount of \$436.25.

Paul Steven Gunther, DVM #6702, Santa Barbara, California.

License revoked by default effective August 9, 2003. **Basis for revocation:** Negligence, incompetence, unprofessional conduct, practicing veterinary medicine without a license and criminal convictions.

Jodie Harvey, DVM #3827, Los Angeles, California. Revocation stayed/Five years probation effective January 30, 2003. **Basis for**

discipline: In a stipulated agreement, Dr. Harvey agreed that cause for discipline existed based on negligence, unprofessional conduct, and incomplete recordkeeping.

Mandatory Terms and Conditions During Five Years of Probation include:

1. Limitation of practice (no surgery)
2. Discipline exam
3. Supervised practice
4. Continuing education
5. Other standards terms and conditions of probation.

In addition, Dr. Harvey was ordered to pay the Board its cost of investigation and enforcement in the amount of \$1,000.

Stephanie Rae Hickey, DVM #12027, Anchorage, Alaska. Surrender of California license effective January 16, 2003. **Basis for surrender**

of California license: In a stipulated agreement, Dr. Hickey stipulated that cause for surrender existed based on disciplinary action taken by another state related to her probation violation. Dr. Hickey was ordered to pay the Board a \$2,000 fine prior to petitioning for reinstatement of her license.

James Haubert, DVM #7706, Van Nuys, California. Revocation stayed/Three years probation effective June 7, 2003. **Basis for**

discipline: In a stipulated agreement, Dr. Haubert stipulated that cause for discipline existed based on failure to comply with minimum standards for veterinary premises, failure to maintain records, and unprofessional conduct by violating federal and state regulations and statutes regulating dangerous drugs and controlled substances.

More Discipline . . .

Mandatory Terms and Conditions During Three Years of Probation include:

1. Actual suspension of premises license until minimum standard violations are corrected and verified by a Board inspector.
2. Limitation of practice
3. Other terms and conditions of probation.

Dr. Haubert was ordered to pay the Board its cost of investigation and enforcement in the amount of \$6,106 and a \$500 fine. In addition, Dr. Haubert is required to pay the Board for the cost of each subsequent premises inspection.

Edd Merida Jordan, DVM #4261, Los Angeles, California.

Revocation stayed/ Five years probation effective August 14, 2003.

Basis for discipline: Twenty-eight causes for discipline related to negligence, incompetence, recordkeeping, and failure to comply with numerous provisions of Title 16, California Code of Regulations.

Mandatory Terms and Conditions During Five Years Probation include:

1. Actual suspension of individual license for 30 days
2. Actual suspension of premises permit for 30 days
3. Supervised practice
4. Additional continuing education
5. Clinical or written examination
6. Other standard terms and conditions of probation.

In addition, Dr. Jordan was ordered to pay the Board its cost of investigation and enforcement in the amount of \$15,289 and a \$5,000 fine.

Ovidio Parayno, DVM #5696, Bakersfield, California. Revocation stayed/Five years probation effective August 14, 2003. **Basis for discipline:** In a stipulated agreement, Dr. Parayno stipulated that cause for discipline existed based on negligence, incompetence, unprofessional conduct, and failure to comply with provisions of Title 16, California Code of Regulations.

Mandatory Terms and Conditions During Five Years Probation include:

1. Actual suspension of individual license for 5 days
2. Actual suspension of premises permit for 5 days
3. Additional continuing education
4. Supervised practice
5. Oral, clinical or written examination
6. Other standard terms and conditions of probation.

In addition, Dr. Parayno was ordered to pay the Board its cost of investigation and enforcement in the amount of \$6,891 and a \$500 fine.

Jack D Spencer, DVM #4825, Danville, California. Surrender of California license effective May 17, 2003. **Basis for surrender of licence:** In a stipulated agreement, Dr. Spencer stipulated that cause for surrender of license existed based on inability to practice veterinary medicine safely due to mental illness and/or physical illness affecting competency.

Samuel E Thomas, DVM #3885, Woodland Hills, California. Revocation stayed/Five years probation effective November 14, 2002.

Premises registration suspended until such time as the facility complies with all minimum standards and passes an inspection by the Veterinary Medical Board. **Basis for discipline:** In a stipulated agreement, Dr. Thomas stipulated that cause for discipline existed based on negligence, incomplete recordkeeping, and violations of Title 16, California Code of Regulations pertaining to the premises.

Mandatory Terms and Conditions During Five Years Probation include:

1. Actual suspension of individual license for 30 days
2. Actual suspension of premises permit for 30 days
3. Additional continuing education
4. Supervised practice
5. Written examination
6. Other standard terms and conditions of probation.

In addition, Dr. Thomas was ordered to pay the Board its cost of investigation and enforcement in the amount of \$18,535.

Earl Edward Tobler, DVM #2816, Canyon Country, California.

Revocation stayed/Three years probation effective August 14, 2003.

Basis for discipline: In a stipulated agreement, Dr. Tobler stipulated that cause for discipline existed based on failure to maintain surgery reports in the form of a record or log, failure to properly store lead aprons, failure to have on hand a variety of sizes of endotracheal tubes, failure to keep exam rooms clean and sanitary, failure to keep the premises fire safe by clearing trash and clutter away, failure to properly dispose of waste products, and failure to have on hand sterile gowns to be worn in surgeries.

Mandatory Terms and Conditions During Three Years Probation include:

1. Limitation on practice
2. Supervised practice
3. Additional continuing education
4. Other standard terms and conditions of probation.

In addition, Dr. Tobler was ordered to pay the Board its cost of investigation and enforcement in the amount of \$5,000.

Orval Richard Warehime, Jr. DVM #5540, South San Francisco, California. Revocation stayed/Five years probation effective November 9, 2002. **Basis for discipline:** In a stipulated agreement, Dr. Warehime stipulated that cause for discipline existed based on a criminal conviction for stealing medications from various employers,

and unprofessional conduct regarding controlled substances.

Mandatory Terms and Conditions During Five Years Probation include:

1. Actual suspension for 30 days
2. Supervised practice
3. No ownership
4. No management or administration
5. Psychiatric evaluation
6. Psychotherapy
7. Rehabilitation Program – alcohol or drug

More Discipline . . .

8. Submit biological fluid samples
9. Abstain from controlled substances
10. Abstain from alcohol use
11. Other standard terms and conditions of probation.

In addition, Dr. Warehime was ordered to pay the Board its cost of investigation and enforcement in the amount of \$16,711.

Sabrina Marie Weitz, DVM #12336, Vacaville, California. Revocation stayed/Five years probation effective November 14, 2002.

Basis for discipline: In a stipulated agreement, Dr. Weitz stipulated that cause for discipline existed based on use/self administration of controlled substances, and use of controlled substances to an extent or in a manner dangerous or injuries to oneself or others.

Mandatory Terms and Conditions During Five Years Probation include:

1. Actual suspension of individual license for 6 months
2. Actual suspension of premises permit for 6 months
3. Surrender of DEA license
4. Supervised practice
5. No management or administration
6. Oral, clinical or written examination

7. Psychiatric evaluation
8. Psychotherapy
9. Rehabilitation program – alcohol or drug
10. Submit biological fluid samples
11. Abstain from controlled substances
12. Abstain from alcohol use
13. Other standard terms and conditions of probation.

In addition, Dr. Weitz was ordered to pay the Board its cost of investigation and enforcement in the amount of \$15,000.

Registered Veterinary Technician Exam Now Computerized

Effective July 2003 the registered veterinary technician (RVT) examination is administered via continuous computer testing, replacing the original March and August one-day test administration dates. Continuous computer testing allows candidates the flexibility to schedule their preferred exam time, date and location at one of the specific Exporior Assessments testing centers in California. Exporior has seven California testing centers located in Fremont, Fresno, Rancho Cordova (Sacramento area), Cerritos, Colton, Van Nuys, and San Diego.

The procedures for filing an application for the computerized examination have not changed. Applicants for the RVT exam will continue to submit the eligibility review application and examination fee directly to the Registered Veterinary Technician Committee (RVTC). When the application is approved by the RVTC, the testing vendor will notify the candidate regarding specific examination

scheduling instructions including maps of the existing test centers. Examinees who fail the exam are eligible to re-take the exam once every six months, but not before a new form of the exam is available.

The conversion of the RVT exam to continuous computer testing has proven to be a success since its implementation in July 2003. So far candidates have indicated that this is a more positive and comfortable testing environment, and the scheduling process has proven to be quick, convenient and problem free for them.

To receive application instructions for the RVT Examination and confirm current exam requirements contact the RVTC at (916) 263-2610 or submit a written request to 1420 Howe Avenue, Suite 6, Sacramento, CA 95825.



Put It In Writing . . .

Change of Address

Veterinarians are required to notify the Board of a new mailing address within 30 days of the change (Business & Professions Code Section 4852). This notification should be done in writing and can be mailed or faxed to the Board at 1420 Howe Ave, Ste 6, Sacramento, CA 95825, (916) 263-2621. No official form is necessary to submit this change. Please include your full name and license number with your address.

If this change occurs during the two year licensing period, no new license is mailed to the licensee. Your license, with the old address, remains valid until the expiration date on the license. However, if you would prefer another license issued with the new address, please return the license with the old address, along with a \$10 check made payable to the Veterinary Medical Board and a revised replacement license will be ordered.

Name Change

Persons requesting a name change should mail or fax this request in writing to the Board. The written request should include your full former name and full new name, along with your license number. It is also necessary to include a copy of a marriage license, divorce decree, **OR** a revised drivers license **AND** social security card, **OR** another legal document verifying the name change.

If this change occurs during the two year licensing period, no new license is mailed to the licensee. Your license, with your former name, remains valid until the expiration date on the license. However, if you would prefer another license issued with your new name, please return the license with your former name, along with a \$10 check made payable to the Veterinary Medical Board and a revised replacement license will be ordered.

Letters of Good Standing/Verification

Please submit requests for Letters of Good Standing/Verification in writing. The request should include your full name, address, telephone number, California license number and the name and address of the jurisdiction to which you would like the Letter of Good Standing mailed. There is a \$10 fee for each Letter of Good Standing. Checks should be made payable to the Veterinary Medical Board.



Address of Record

Your address of record with the Board is the address displayed on your license, registration, and/or premises permit. This is also the address at which you receive license renewal and other information from the Veterinary Medical Board. It is up to the individual licensee which address (s)he chooses as the address of record-home or work. Please remember that the address of record is public information and is released to the public upon request. It is also available on the Board's website.

Heartfelt Thanks

The Veterinary Medical Board and Registered Veterinary Technician Committee would like to thank the subject matter experts who participated in the Item Writing, Item Review, Angoff Passing Score, and Practice Analysis workshops for the years 2002-2003. Their contribution helps ensure that the California Veterinary State Board Examination (CSB) and Registered Veterinary Technician (RVT) Examination remain current and relevant. We hope that these subject matter experts will continue to participate in the examination preparation workshops.

Veterinary Workshops

Gerald Aguiar, DVM
John Angelos, DVM
Brooks Bloomfield, DVM
Frankie Bonifacio, DVM
Robert Bonifacio, DVM
Linda Byer, DVM
Corey Cherrstrom, DVM
Nancy Collins, DVM
Cathy Dyer, DVM
Gregory Ferraro, DVM
Stacy Fuchino, DVM
Melissa Gates, DVM
Tara Gee, DVM
Ann Gillis, DVM
Angela Glasgow, DVM
Richard Hagle, DVM
Heidi Hamlen, DVM
Kay Hossner, DVM
Pamela Hullinger, DVM
Michael Kerfoot, DVM
Francis Lux, DVM

Andrea Mongini, DVM
Robert Morgan, DVM
Duncan Peters, DVM
Russell Peterson, DVM
Jim Reynolds, DVM
Troy Roach, DVM
Pia Tucker, DVM
Johanna Watson, DVM
John Zimmerman, DVM

RVT Workshops

Alberto Aldrete, DVM
Wendy Beers, DVM
Linda Blair, RVT
Sheri Candeletta, DVM
David Chapman, DVM
Corey Cherrstrom, DVM
Katie Cicotte, RVT
Brenda Crossley, RVT

Nancy Ehrlich, RVT
Bliss Fisher, RVT
Lucinda Gessford, RVT
Angela Glasgow, DVM
Pamela Heffley, RVT
Alex Henderson, RVT
Damaris Hochanadel, RVT
David Johnson, RVT
Richard Johnson, DVM
Teri Joseph, RVT
Linda Lasky, RVT
Marika Pappagianis, RVT
Duncan Peters, DVM
Carol Schumacher, RVT
Suzanne Tsifas, RVT
Lisa Walker, RVT
Kim Williams, RVT
Terry Willingham, RVT

Continued from page 1, New Prescription Requirement

Another important aspect of Section 4170 is that veterinarians must notify their clients that they have a choice of obtaining the prescription medication from the veterinarian OR they may request a written prescription and have it filled somewhere else. If the client chooses the written prescription, the veterinarian is required to provide one. The notification requirement can

be met by posting a sign in a conspicuous place such as the waiting room.

For specific language visit our website and click on "Laws and Regs."

